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San Diego County Water Authority

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September 22, 1999

CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814
Attention: Mr. Rick Breitenbach

San Diego County Water Authority Comments on
June 1999 Draft Programmatic EIS/EIR for the
CALFED Bay-Delta Program (SCH# 96032083)

Dear Mr. Breitenbach:

This letter and its attachment constitute the San Diego County Water Authority's comments on the June 1999 draft Programmatic EIS/EIR (PEIS/EIR) for the CALFED Bay-Delta Program. The San Diego County Water Authority is the public agency that supplies imported water to San Diego County. Our agency's mission is to provide a safe and reliable water supply to our 23 member agencies serving the San Diego region. San Diego County imports between 80 and 90 percent of its total water supply from the Colorado River and the Bay-Delta system. For this reason, our agency is very interested in CALFED's activities concerning the Bay-Delta. Our agency's involvement in Bay-Delta issues dates back to the three-way stakeholder discussions that preceded the Bay-Delta Accord. We also participate in the CALFED process through our membership in California Urban Water Agencies and the Bay-Delta Urban Coalition.

The San Diego County Water Authority supports CALFED's objective of providing continuous improvement in all Bay-Delta resource areas, and believes the draft solution outlined in the draft PEIS/EIR provides a framework for resolving long-term problems in the Bay-Delta. While there are many unresolved issues and we cite numerous deficiencies in the draft PEIS/EIR, we remain committed to the success of the CALFED effort and look forward to working toward resolution of outstanding issues prior to the Record of Decision.

In recognition of the size and scope of the draft PEIS/EIR, we focused our review and comments on those areas of particular concern to Southern California and San Diego County. Those areas are: water quality, supply reliability, water use efficiency, water transfers, governance, regulatory certainty and finance. The Phase 2 Report accompanying the draft PEIS/EIR notes that over the next few months, CALFED will further refine certain elements of its Bay-Delta Program, including its water management strategy, conveyance system decision process, finance strategy and

governance structure. Notwithstanding the comments provided with this letter, we reserve the right to comment on those elements of the Program as additional details are made available.

The comments in this letter and its attachment reflect the views of the San Diego County Water Authority and do not supercede or negate comments that may be made by the Water Authority's individual member agencies. The San Diego County Water Authority appreciates this opportunity to provide input on the CALFED Bay-Delta Program. We look forward to positive progress in the final documentation and implementation of Stage 1.

Sincerely,

Maureen A. Stapleton
General Manager

Attachment

1209(3)

San Diego County Water Authority
Specific Comments on the June 1999 CALFED Bay Delta Program
Draft Programmatic EIS/EIR

Draft Programmatic EIS/EIR

General Comments:

1. The draft PEIS/EIR evaluates the project alternatives and individual facilities using a broad range of assumptions about future environmental requirements and demands for Bay-Delta water. Depending on the criteria selected, Delta exports under the No Action Alternative (NAA) may increase or decrease relative to existing conditions. The PEIS/EIR indicates that by 2020, Delta exports under the Preferred Project Alternative (PPA) may increase relative to the NAA, but may still be lower than under existing conditions. We do not agree with the draft PEIS/EIR's characterization of this outcome as one of improved water supply reliability; we would characterize this outcome as one of reduced supply reliability. In the short-term, our agency expects the CALFED Program to maintain the reliability of State Water Project (SWP) supplies relative to existing (i.e., Bay-Delta Accord) conditions. Over the longer-term, our agency expects the Program to enhance SWP supplies relative to existing conditions.

2. The PEIS/EIR does not address the operation of the Environmental Water Account (EWA). According to the Phase 2 Report, however, in early modeling studies the EWA took advantage of a substantial portion of the overall system's flexibility. In fact, it is our understanding that these early modeling runs assumed the benefits of CALFED's Stage 1 water supply benefits went almost entirely to the EWA. We support the concept of the EWA. However, we are concerned that the EWA could, if not properly operated, degrade the water quality of Delta exports and significantly reduce the operational flexibility of the system. The EWA, like other CALFED actions, must be developed and operated in such a way that new benefits are shared, consistent with CALFED's goal of providing continuous water supply reliability, quality and fishery improvements. EWA operating rules must also recognize the role of water transfers in helping urban agencies meet existing and future water supply needs. Operation of the EWA must not reduce the Bay-Delta system's already very limited ability to accommodate water transfers.

3. CALFED's modeling runs clearly show that flows required for the Ecosystem Restoration Program (ERP) reduce the reliability of supplies for other uses. The runs also show that storage can be developed to mitigate these losses and provide for increased reliability to meet CALFED goals. CALFED must define through its Water Management Strategy and Integrated Storage Investigation (ISI), the approximate amount and general location (north of/south of the Delta) of surface and groundwater storage necessary to achieve Program objectives by the time of

the Record of Decision (ROD). It is not acceptable to leave this question open throughout the duration of Stage I. Until this threshold decision is made, CALFED should withhold action on the ROD.

4. The actions included in the Water Quality Program (WQP) Plan are primarily source control or pollutant reduction actions. The feasibility and cost-effectiveness of these actions are largely unknown. While we recognize that CALFED intends to determine the feasibility and cost-effectiveness for the actions during the early stages of implementation, it is not possible at this point to determine the effect of the actions on Delta water quality. Most of the actions can at best be characterized as pollution prevention actions that will help ensure no further degradation of water quality in the Delta; there is little or no evidence that the proposed actions will actually improve water quality in the Delta beyond existing conditions. Statements in the draft PEIS/EIR that indicate the WQP actions will improve water quality for municipal and industrial (M&I) water users are not therefore correct.

5. The WQP Plan acknowledges that WQP actions will not by themselves achieve CALFED's water quality objectives and that the achievement of those goals will depend on future decisions related to storage and conveyance or other non-source quality actions. According to the WQP Plan, WQP actions will minimally affect bromide levels, particularly for State Water Project (SWP) users. CALFED must acknowledge this fact in the body of the PEIS/EIR and the Phase II Report, not just in the WQP Plan. The Final PEIS/EIR should also disclose the estimated cost of achieving CALFED's water quality objectives through conveyance changes, enhanced water treatment and alternative water supply sources and identify potential feasibility issues associated with each of these options.

6. The technical analysis in the draft PEIS/EIR indicates that the PPA will not, without additional actions, meet CALFED's public health protection objective of 50 ppb bromide. According to the PEIS/EIR, the PPA, with 4.75 maf of storage and a 4,000 cfs Hood diversion, will reduce salinity levels (and by inference bromide levels) at Clifton Court Forebay (CCFB) by between 2% and 21% on average, depending on how the system is operated. It would appear from this analysis that additional water management actions -- whether they be water exchanges, new treatment technology, an isolated facility, or some combination of actions -- will be needed to meet the long-term bromide objective. The Phase 2 Report nevertheless suggests in several places that additional actions might not be needed to meet CALFED's objectives. Please provide technical analysis that supports the suggestion, made on pages 81 and 85 of the Phase 2 Report, that Stage 1 actions could be sufficient to meet CALFED's long-term public health protection objectives or, alternatively, amend the list of Stage 1 actions to include planning, permitting, environmental review and all other activities needed to support a final decision on, and begin implementation of, the suite of long-term actions proposed as options to meet those objectives. If those additional Stage 1 actions will be carried out by agencies other than CALFED, the PEIS/EIR should identify funding sources or other mechanisms

for supporting those actions. For example, to encourage the development of advanced treatment technologies, CALFED should provide funding for water treatment and desalination research and pilot studies. If CALFED does not provide the technical analysis requested or amend the list of Stage 1 actions to reflect aggressive progress toward CALFED's long-term objectives, then we must conclude that the PPA, as described in the PEIS/EIR, will not meet CALFED's long-term public health protection objectives.

7. The PEIS/EIR is inconsistent in its analysis of growth-inducing impacts. On page 3-3, for example, the document states that any increased water supplies or improved water supply reliability associated with the Program would stimulate growth. Statements made in Sections 7.4 and 7.5 do not support this conclusion. The last paragraph on page 7.5-44, for example, states that increases in water supply (not supply reliability) could induce growth, depending on how the *additional* water is used. The paragraph goes on to conclude that Program supplies are likely to replace other supplies, not add to them; therefore, the total amount of water supply and subsequent urban growth probably would not be affected. Section 7.4.10 also ties potential growth inducing impacts to *additional* water supply, not to improved supply reliability.

8. We disagree with the PEIS/EIR's apparent conclusion (as presented on page 3-3) that improving the dry-year availability of existing water supplies would induce greater economic development or population growth. Improved supply reliability would not by itself increase the quantity of water used by urban agencies – it would only increase the probability that the quantity of water already planned for and approved would be available in a given year.

Specific Comments:

Page 1-21 – The draft PEIS/EIR states that modeling for the PEIS/R "...considers a range of possible future demands for the No Action Alternative and the Program alternatives. The high end of this range is bound by the most recent demand estimates prepared for Bulletin 160-98 for 2020." Please identify the low end of the demand range and the data source used to develop that range.

Page 1-23, Paragraph 5 – California's use of Colorado River water above its entitlement has been made possible not through a reallocation of water, but through its ability to use surplus water and water not used by Arizona and Nevada. No reallocation has occurred. The last sentence of this paragraph should be revised as follows: "The Secretary of the Interior has directed California to devise a plan to live within its entitlement of 4.4 MAF of water per year during years in which surplus water is not available and Arizona and Nevada are using their full apportionment.

Page 1-23, Paragraph 6 – The Secretary of the Interior has been making a surplus declaration since 1996.

Page 1-23, Paragraph 7 – The latest draft of the 4.4. Plan is December 17, 1997, not August 11, 1997. The third sentence of this paragraph should be revised as follows: "The plan relies on a variety of ~~intrastate measures that either conserve water or increase water supplies~~ firm and non-firm water conservation and transfer programs, conjunctive use programs, and water banking. The last three sentences of this paragraph should be deleted and replaced with the following: "The plan also relies on measures that would make extra water available to California, including revising reservoir operations on an interim basis. Adoption of these measures is contingent on negotiations with other Colorado River Basin states and Department of Interior approval."

Page 2-14 – The draft PEIS/EIR states that storage can be used not only to improve water supply reliability, but to "provide water for the environment at times when its is needed most, provide flows timed to improve water quality, and protect levees...." The proposed linkages for storage – demonstrated progress toward the Program's water use efficiency, recycling and water transfer targets – are inappropriate and should be eliminated. CALFED proposes to implement a number of alternative assurance mechanisms – such as the proposed urban conservation certification process -- to ensure that water users implement cost-effective water use efficiency measures. Additional assurance mechanisms, in the form of linkages, are unnecessary. In addition, it is not logical to link the construction of facilities needed to improve water quality, provide ecosystem benefits, and protect levees, to efficient water use by agencies and communities that may, or may not, benefit from those improvements. CALFED should withdraw its proposal to link storage to water transfer targets. The Water Transfer Program (WTP) Appendix itself states that, "without increased storage upstream of the Delta or in export areas and relief from current pumping constraints, water transfers will play only a modest role in statewide water management" (WTP Plan, page 1-4). Therefore, achieving water transfer targets is not a logical pre-condition for storage.

Page 2-18 - The Water Quality Program (WQP) Appendix stresses that WQP actions will only supplement water quality improvements from storage and conveyance changes and will not reduce bromide levels at the SWP pumps. The water quality analysis in Chapter 5 indicates that without a Hood diversion, the performance of the PPA with respect to water quality is similar to that of Alternative 1 (i.e., bromide levels at CCFB would increase by 2020 compared to current levels). Please provide technical analysis that supports the suggestion that WQP actions alone could consistently achieve CALFED's water quality objectives. It is not clear that the PPA, even with the Hood diversion, could achieve CALFED's objective of the public health equivalent of 50 ppb bromide.

Page 2-21 – We do not agree that the PPA will necessarily reduce the loads and impacts of bromide and salinity. The water quality analysis in Section 5 indicates that only with the Hood diversion will the PPA reduce salinity and bromide levels and, even

then, the amount of salinity and bromide reduction will depend on how the system is operated. According to the PEIS/EIR, construction of the Hood diversion is contingent on a finding of no adverse impacts on fish populations.

Page 2-21 – The discussion in the last paragraph of this page suggestions that under the NAA, water supply reliability would continue to deteriorate. The paragraph implies that if the PPA is implemented, the trend toward decreased supply reliability will be reversed or at least halted. This implication is not supported by the water supply reliability analysis in Chapter 5, which indicates that export water supply reliability could decline in the future even if the PPA is implemented.

Page 2-22, paragraph 2 - Please disclose the potential in-Delta water quality problems involved, how they would be caused, and why they could not be mitigated. Please describe the relation between this paragraph, and the paragraph on Page 5-3-44, which states that, "Through careful water management, Alternative 3 is projected to improve both in-Delta and export water quality." Please disclose why it is reasonable to sacrifice potentially more effective fish recovery and improved water quality for M&I and agricultural use locally and elsewhere, for the potential in-Delta water quality problems.

Page 2-22, paragraph 2, bullets - Please explain the impacts of the following:
- Construction impacts that are not mitigable.
- Land use needed for the facility in comparison to land being taken out of production elsewhere to achieve recovery of listed fish species.
- The specific non-structural modifications and reoperations of existing facilities that more effectively achieve the recovery of listed fish species than Alternative 3.

Page 2-22 - Please disclose how the beneficial impacts on fisheries and aquatic systems projected to occur under Alternative 3 (as described on page 3-13) were weighed in the alternatives selection process.

Page 2-23 - Please disclose the specific "additional information" that needs to be available to determine whether water quality and fish recovery goals can be met through actions taken under the PPA within Stage 1, or thereafter. Please specify what a determination that water quality and fish recovery goals can or cannot be achieved consists of, and what assurances there are that such a determination can be or will be made at all within the Stage 1 period or within the life of the CALFED Program. Please state who will provide this information, who will make the determination, and by when.

Page 3-3, Paragraph 3 - Please disclose the evidence that supports the assumption that improved water supply reliability would have growth inducing impacts, as the rational for this assumption is not clear. If no clear evidence exists, the statement should be removed.

Page 3-4, Paragraph 4 – The PEIS/EIR states that the Program would not stimulate growth in the Delta, Bay or Sacramento River Regions, because other water resources

are available in these regions that could be used for growth. The document goes on to state that the Program would stimulate growth in the CVP and SWP export areas, because fewer alternative water supplies are available in those areas. This statement is inconsistent with the water management criteria for the NAA presented in Appendix A and information presented in the Water Use Efficiency Program (WUEP) Plan. Criteria A under the NAA assumes that Delta water exports would not increase and that all future growth in southern California demands would be met through alternative water supply or demand management options. The level of potential alternative supply options identified in the WUEP exceeds that expected to be implemented through the CALFED WUEP. The Final PEIS/EIR should address these inconsistencies.

Page 3-4, Paragraph 4 – The last sentence in this paragraph suggests that improvements in water quality could induce urban growth. We presume that this statement refers to water quality improvements that could increase the suitability of Delta water for reuse. As noted in General Comments 4 and 6 above, it is not apparent to us that the Preferred Project Alternative will result in a meaningful reduction in the salinity of Delta supplies. Therefore, this statement is incorrect. As noted in General Comment 8 above, we do not agree that improved supply reliability induces growth.

Page 3-10 – Please provide technical analysis to support the statement that all regions would experience "substantial" potential benefits from source control measures of the WQP. Does CALFED expect reductions in parameters of concern to drinking water agencies (e.g., bromide, TOC, TDS, etc.) to decrease by more than 10% (defined in the PEIS/EIR as the level of significance)? Further, regional water suppliers, such as the Metropolitan Water District of Southern California, (MWD) would have to provide assurances that water producing such benefits would be blended throughout their service areas. The document should reflect this.

Page 3-18 – Energy use by M&I users for water treatment (e.g., reverse osmosis to remove bromide) could be substantially lower under Alternative 3 than under the PPA. The document should reflect this.

Page 3-18 – Alternative 3 would provide greater water quality-related public health benefits than the PPA. The document should reflect this.

Page 5.1-1 – The draft PEIS/EIR states that potential decreases in agricultural and urban water supplies could result from increased environmental water needs and drinking water quality requirements under the NAA. The reference to drinking water quality requirements is unclear. Does this statement this refer to more stringent drinking water quality requirements that could require agencies to utilize membrane treatment, thus resulting in water lost through brine concentrates? Please identify the specific strategies included in the PPA that could reduce or eliminate this potential consequence, as neither the WQP actions nor water quality improvements from the Hood diversion would be sufficient to allow agencies to avoid membrane treatment

under a plausibly conservative regulatory scenario (e.g., the Stage 2 D/DBP Rule placeholder values).

5.1-2 – Please provide technical analysis to support the statement that the cumulative beneficial effect of all actions under the PPA will significantly outweigh the loss of supply expected to occur under the ERP. It appears from the analysis in the PEIS/EIR that the only new Delta supplies definitely projected to be developed under the PPA will occur through the south Delta improvements. However, it is our understanding that current EWA modeling runs assume some or all of these supplies would accrue to the environment, not water users. The PPA could include between zero and 6 MAF of new storage; it is not clear how much, if any, new supply will be produced through new storage. Finally, the draft finance plan in the Implementation Plan suggests that CALFED will target public funding toward those water use efficiency projects that provide water for the Delta ecosystem. If that is the case, then the primary water supply reliability benefits of the Water Use Efficiency Program (WUEP) would flow to the environment, not urban water users. Given this, it is not clear that the PPA would increase urban supply reliability.

Page 5.1-4 – Please see comment above regarding Page 2-14.

Page 5.1-21 – We do not agree that the assumption that future increases in demand could or should be met with alternative supply or demand management options is a reasonable one. The document should clearly state that this assumption is not offered as a policy proposal.

Page 5.1-35 - The third paragraph under Water Use Efficiency notes that the potential may not exist to completely replace the water supply reliability and water management flexibility of other water management tools. This discussion should be expanded to include the concept of economic efficiency. Even if it is possible to reduce demands enough to account for the 15 million additional Californians expected in the next 30 years and eliminate current unmet demands, CALFED's Economic Evaluation of Water Management Alternatives clearly shows it is not economically efficient. The cost of more aggressive water conservation measures greatly exceeds the cost of other water management tools.

Page 5.1-36,37; The document notes that meeting Delta flow targets could affect water supply within the SWP and CVP Service Areas. This is an adverse impact and it would be unacceptable. Flow targets required for the ERP should come from voluntary transfers or sales to the EWA and should not result in a loss of water to the export projects (i.e. significant redirected impacts).

Page 5.3-4, Mitigation Strategies #2 and #3 – CALFED must ensure that pursuing these mitigation strategies does not compromise the reliability of Delta water supplies.

Page 5.3-3, Areas of Controversy – An additional area of controversy that should be discussed in this section is the future of drinking water regulations and the ability of water agencies to meet those regulations with existing and/or more advanced treatment technologies.

Page 5.3-8 - Industrial and municipal wastewater treatment discharges are not regulated for TOC and pathogens, two important constituents of concern for drinking water. This should be noted in the document.

Page 5.3-8 – This list should include dairies and other confined animal facilities as contributors of nutrients, pathogens, TOC, and TDS.

Page 5.3-9, paragraph 2 – While it is true that many water quality objectives for environmental beneficial uses are more stringent than their corresponding drinking water objectives, there are also drinking water standards for some constituents (TOC, TDS, pathogens) for which there are not corresponding environmental objectives. This should be noted in the document. As it is currently written, the document could be incorrectly interpreted to mean that measures to improve water quality for the ecosystem will also address constituents of concern for drinking water quality.

Page 5.3-11 – The list of water quality issues in the Delta should include a discussion of the potential degradation in Delta water quality that will occur as a result of the population growth in the Central Valley and the resulting increase in wastewater discharges and urban runoff.

Page. 5.3-24- The discussion of Program Consequences should include a discussion of the increased mercury methylation potential caused by the habitat restoration proposed under the ERP. There is increasing data (including USGS data from the Bay-Delta) that shows shallow water bodies with long detention times and vegetation have substantially higher levels of methylated mercury, the form of mercury that is bio-accumulated by aquatic species and poses the greatest threat to human and ecosystem health. The document does not mention this relation and possible result of implementing the CALFED Program, although it is alluded to in the WQP Plan. CALFED should include a description of the relation between ecosystem type and methyl mercury formation potential.

Page 5.3-39 – Paragraph 4 indicates that in dry and critical years, peak bromide levels at CCFB would range from 1.2 to 1.3 μg/L. This is inconsistent with Table 5.3-2 on Page 5.3-12, which indicates that bromide concentrations at CCFB are .269 mg/L (i.e., 269 μg/L). It appears that the bromide concentrations on cited Page 5.3-39 be stated in terms of mg/L rather than μg/L. This comment applies to Pages 5.3-42 and 5.3-46 as well.

Page 7.4-1, Paragraph 3 - Please see our comment on Page 3-3 above. We do not agree that improved water supply reliability induces growth.

Page 7.4-9, Paragraph 1 – The statement that improvements in water supply reliability resulting from storage could induce growth in the Delta and Bay Regions is inconsistent with the Statement on Page 3-4, which states that the Program would not stimulate growth in those regions. It is also inconsistent with Section 7.4-10, which links growth inducing impacts to increased water supply.

Page 7.5-2, Paragraph 1 – This section implies that improved reliability induces growth. As noted in Comment 8 above, we do not agree with this assumption. Water transfers that serve to increase the reliability of water supplies, rather than to provide additional supplies, should not be considered growth inducing.

Page 7.5-45, Paragraph 1 – We agree that, at least in urban areas, Program supplies are likely to replace other supplies, not add to them. CALFED's economic analysis shows that other, albeit more expensive, water supplies are available to urban areas, and the price elasticity of urban water demands is such that urban areas will develop those supplies in the absence of a CALFED Program. Therefore, the CALFED Program should not affect urban growth.

Page 8-3 - The Multi-Species Conservation Strategy should entail more than a framework for obtaining compliance with federal and state Endangered Species Act (ESA). Certainty should be provided prior to the Final PEIR/EIS and ROD regarding how CVP and SWP operations will be treated under ESA during Stage 1.

Page 8-6 – CALFED should provide the programmatic assurances for evaluating CWA §404 compliance and the referenced MOA among the Corps, EPA and others for stakeholder review prior to the Final PEIR/EIS and ROD. Water agencies will be keenly interested in the development of performance criteria and limits of practicability for alternatives to surface storage and have special expertise in this area. The federal agencies should solicit early input and review of materials developed for this effort.

Page 10-10, Finance Work Group – Discussion on finance issues should focus on allocating costs between the state and federal governments and <u>all users</u> of the Bay-Delta system, not just water users.

Attachment A:

Page A-9 – While CALFED's economic analysis indicates that future increases in demand could or be met with alternative supply or demand management options, it would not be cost-effective to do so. The document should clearly state that this scenario is not proposed as a policy option.

Page A-19 – Please disclose the scientific rationale behind the additional environmental protections assumed under Criteria A.